

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:18-cv-04763-LMM**

Southern Environmental Law Center v. Federal Aviation  
Administration  
Assigned to: Judge Leigh Martin May  
Cause: 05:0552 Freedom of Information Act

Date Filed: 10/15/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Southern Environmental Law Center**

represented by **Brian Lawrence Gist**  
Southern Environmental Law Center  
Suite 1050  
Ten 10th St., N.W.  
Atlanta, GA 30309  
404-521-9900  
Fax: 404-521-9909  
Email: [bgist@selcga.org](mailto:bgist@selcga.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Robert D. Sherrier**  
Southern Environmental Law Center  
Suite 1050  
Ten 10th St., N.W.  
Atlanta, GA 30309  
404-521-9900  
Email: [bsherrier@selcga.org](mailto:bsherrier@selcga.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Federal Aviation Administration**

represented by **Samuel Williams**  
Office of the United States  
Attorney-ATL600  
Northern District of Georgia  
600 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, GA 30303  
404-581-6228  
Email: [samuel.williams2@usdoj.gov](mailto:samuel.williams2@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/15/2018	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF filed by Southern Environmental Law Center. (Filing fee \$400, receipt number 113E-8206568) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Civil Cover Sheet)(bdb) Please visit our website at <a href="http://www.gand.uscourts.gov/commonly-used-forms">http://www.gand.uscourts.gov/commonly-used-forms</a> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 10/16/2018)
10/15/2018	<u>2</u>	Electronic Summons Issued as to Federal Aviation Administration. (bdb) (Entered: 10/16/2018)
10/16/2018	<u>3</u>	Certificate of Interested Persons by Southern Environmental Law Center. (Gist, Brian) (Entered: 10/16/2018)

10/22/2018	<u>4</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Leigh Martin May for all further proceedings. Judge Charles A. Pannell, Jr. no longer assigned to case. <b>NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:18-cv-04763-LMM.</b> Please make note of this change in order to facilitate the docketing of pleadings in this case. Signed by Judge Charles A. Pannell, Jr. on 10/22/2018. (tcc) (Entered: 10/22/2018)
10/25/2018	<u>5</u>	STANDING ORDER REGARDING CIVIL LITIGATION. Signed by Judge Leigh Martin May on 10/25/2018. (btql) (Entered: 10/25/2018)
11/19/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer with Brief In Support by Federal Aviation Administration. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Williams, Samuel) (Entered: 11/19/2018)
11/19/2018	<u>7</u>	ORDER GRANTING <u>6</u> Motion for Extension of Time to Answer re <u>1</u> Complaint. Federal Aviation Administration's Answer due 12/21/2018. Signed by Judge Leigh Martin May on 11/19/2018. (btql) (Entered: 11/19/2018)
12/10/2018	<u>8</u>	AFFIDAVIT of Service for Complaint and Summons , as to Defendant Federal Aviation Administration. (Attachments: # <u>1</u> Exhibit A, FAA Packet Tracking, # <u>2</u> Exhibit B, Pak Packet Tracking, # <u>3</u> Exhibit C, Sessions Packet Tracking)(Gist, Brian) (Entered: 12/10/2018)
12/21/2018	<u>9</u>	<i>Defendant's</i> ANSWER to <u>1</u> COMPLAINT by Federal Aviation Administration. Discovery ends on 5/20/2019.(Williams, Samuel) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 12/21/2018)
12/26/2018	<u>10</u>	Administrative Order Staying Civil Proceedings in Light of Lapse Appropriations. Signed by Chief Judge Thomas W. Thrash, Jr. on 12/26/18. (btql) (Entered: 12/27/2018)
01/28/2019		MINUTE ORDER LIFTING STAY due to appropriations. Approved by Judge Leigh Martin May on 1/28/2019.(rvb) (Entered: 01/28/2019)
03/08/2019	<u>11</u>	ORDER: Counsel are hereby ORDERED to file the Joint Preliminary Report andDiscovery Plan required by Local Rule 16.2 within 14 days of entry of this Order, or SHOW CAUSE why this case should not be dismissed pursuant to LR 41.3. Signed by Judge Leigh Martin May on 3/8/2019. (btql) (Entered: 03/08/2019)
03/08/2019	<u>12</u>	Joint MOTION for scheduling order by Federal Aviation Administration. (Attachments: # <u>1</u> Text of Proposed Order)(Williams, Samuel) (Entered: 03/08/2019)
03/11/2019	<u>13</u>	ORDER GRANTING <u>12</u> Motion for Scheduling Order. See Order for more details. Signed by Judge Leigh Martin May on 3/8/2019. (btql) (Entered: 03/11/2019)
05/14/2019	<u>14</u>	NOTICE by Federal Aviation Administration (Attachments: # <u>1</u> Exhibit Certified Administrative Record Index)(Williams, Samuel) (Entered: 05/14/2019)
06/17/2019	<u>15</u>	Joint MOTION for Modification of <u>13</u> Scheduling Order by Federal Aviation Administration. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Williams, Samuel) Modified on 6/18/2019 to edit text (tmf). (Entered: 06/17/2019)
06/19/2019	<u>16</u>	ORDER granting <u>15</u> Motion for Modification of <u>13</u> Scheduling Order: No later than July 19, 2019, SELC shall file and serve a motion for summary judgment and memorandum of law in support. No later than August 9, 2019, FAA shall file and serve a combined cross-motion for summary judgment and responsive memorandum of law. No later than August 26, 2019, SELC may file a combined reply brief in support of its motion for summary judgment and memorandum in response to FAA cross-motion for summary judgment. FAA may file a reply brief in support of its cross-motion for summary judgment no later than September 9, 2019. Signed by Judge Leigh Martin May on 6/18/2019. (tmf) (Entered: 06/19/2019)
07/17/2019	<u>17</u>	NOTICE of Appearance by Robert D. Sherrier on behalf of Southern Environmental Law Center (Sherrier, Robert) (Entered: 07/17/2019)
07/19/2019	<u>18</u>	First MOTION for Summary Judgment with Brief In Support by Southern Environmental Law Center. (Attachments: # <u>1</u> Brief Brief in Support of Summary Judgment, # <u>2</u> Statement of Material Facts Statement of Undisputed Facts, # <u>3</u>

		Appendix Appendix, # <u>4</u> Exhibit Ex. A – Draft Environmental Impact Statement: Executive Summary, # <u>5</u> Exhibit Ex. B – No Responsive Documents Letter, # <u>6</u> Exhibit Ex. C – First Declaration of Michael J. McElligott, # <u>7</u> Exhibit Ex. D – First FAA Vaughn Index, # <u>8</u> Exhibit Ex. E – Notice of Disputes Letter to FAA, # <u>9</u> Exhibit Ex. F – 20161221_DL_SCC Final DOPAA, # <u>10</u> Exhibit Ex. G Waiver Emails, # <u>11</u> Exhibit Ex. H National Parks Service Comments on DEIS, # <u>12</u> Exhibit Ex. I Search Emails, # <u>13</u> Exhibit Ex. J Authorized Personnel Provided by Applicant, # <u>14</u> Exhibit Ex. K June 2019 Letter from FAA to Camden County)(Gist, Brian) —Please refer to <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.— (Entered: 07/19/2019)
08/08/2019	<u>19</u>	Unopposed MOTION for Extension of Time to File Cross–Motion for Summary Judgment with Brief In Support by Federal Aviation Administration. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Williams, Samuel) (Entered: 08/08/2019)
08/08/2019	<u>20</u>	ORDER on <u>19</u> Motion for Extension of Time. A. No later than August 30, 2019, Defendant shall file and serve a combined cross–motion for summary judgment and responsive memorandum of law. B. No later than September 19, 2019, Plaintiff may file a combined reply brief in support of its motion for summary judgment and memorandum in response to Defendants cross–motion for summary judgment. C. No later than October 3, 2019, Defendant may file a reply brief in support of its cross–motion for summary judgment. See order for other specifics. Signed by Judge Leigh Martin May on 8/8/2019. (tmf) (Entered: 08/08/2019)
08/29/2019	<u>21</u>	Unopposed MOTION for Extension of Time to File its Cross–Motion for Summary Judgment with Brief In Support by Federal Aviation Administration. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Williams, Samuel) (Entered: 08/29/2019)
09/03/2019	<u>22</u>	ORDER granting <u>21</u> Motion for Extension of Time. Having read and considered Defendants Motion for Extension of Time to file a Cross–Motion for Summary Judgment and for good cause shown, it is hereby ORDERED that Defendant shall be granted an extension of time through and including September 4, 2019. Signed by Judge Leigh Martin May on 9/3/2019. (tmf) (Entered: 09/03/2019)
09/04/2019	<u>23</u>	Combined MOTION for Partial Summary Judgment <i>and RESPONSE IN OPPOSITION to Plaintiff's 18 Motion for Summary Judgment</i> with Brief In Support by Federal Aviation Administration. (Attachments: # <u>1</u> Brief Memorandum of Law in Support of Defendant's Cross–Motion for Partial Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit A to Statement of Material Facts Not in Dispute, # <u>4</u> Exhibit B to Statement of Material Facts Not in Dispute, # <u>5</u> Statement of Material Facts Defendant's Response to Plaintiff's Statement of Material Facts)(Williams, Samuel) —Please refer to <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.— Modified on 9/6/2019 to add document links and edit text(tmf). (Entered: 09/04/2019)
09/19/2019	<u>24</u>	RESPONSE re <u>23</u> MOTION for Partial Summary Judgment <i>and REPLY IN SUPPORT of Plaintiff's 18 Motion filed by Southern Environmental Law Center.</i> (Attachments: # <u>1</u> Appendix – Supplemental, # <u>2</u> Exhibit A – Hazard Analysis Excerpts from Search Emails, # <u>3</u> Exhibit B – Dec 2017 Nelson to Branham Email & Schedule, # <u>4</u> Exhibit C – Excerpts from May 2019 Vaughn Index, # <u>5</u> Exhibit D – Specific Improper Withholdings, # <u>6</u> Statement of Material Facts Plaintiff's Response to DSOF)(Gist, Brian) Modified on 9/23/2019 to edit text and add links(tmf). (Entered: 09/19/2019)
10/04/2019		Submission of <u>18</u> First MOTION for Summary Judgment , <u>23</u> MOTION for Partial Summary Judgment <i>and Opposition to Plaintiff's Motion for Summary Judgment</i> , to District Judge Leigh Martin May. (tmf) (Entered: 10/04/2019)
10/30/2019	<u>25</u>	NOTICE by Federal Aviation Administration re <u>14</u> Notice (Other) (Attachments: # <u>1</u> Exhibit 1; FAA No Responsive Documents Letter in regards to FOIA Request No. 2018–5241, # <u>2</u> Exhibit 2; FAA First Batch of Documents Responsive to FOIA Request No. 2018–5147, # <u>3</u> Exhibit 3, Pt. 1; FAA Second Batch of Documents Responsive to FOIA Request No. 2018–5147, # <u>4</u> Exhibit 3, Pt. 2; FAA Second Batch of Documents Responsive to FOIA Request No. 2018–5147, # <u>5</u> Exhibit 3, Pt. 3; FAA Second Batch of Documents Responsive to FOIA Request No. 2018–5147, # <u>6</u> Exhibit 3, Pt. 4; FAA Second Batch of Documents Responsive to FOIA Request No. 2018–5147, # <u>7</u> Exhibit 3, Pt. 5; FAA Second Batch of Documents Responsive to

		FOIA Request No. 2018–5147, # <u>8</u> Exhibit 4; First Declaration of Michael J. McElligott, # <u>9</u> Exhibit 5; First FAA Vaughn Index, # <u>10</u> Exhibit 6; Communication between FAA and SELC)(Williams, Samuel) (Entered: 10/30/2019)
11/26/2019	<u>26</u>	Minute Entry for proceedings held before Judge Leigh Martin May: Telephone Conference held on 11/26/2019. A Telephone Conference was held at the request of the parties to discuss the status of this case. The Court heard from Plaintiff's and Defendant's counsel and DENIED as moot without prejudice with the right to re–file Plaintiff's Motion for Summary Judgment <u>18</u> and Defendant's Cross– Motion for Partial Summary Judgment <u>23</u> . The parties shall file a proposed consent order regarding the production schedule no later then Friday, December 6, 2019. (Court Reporter Andy Ashley)(tmf) (Entered: 11/26/2019)